

FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT (FIFRA)

R6-5-12. Issuance of Stop Sale, Use or Removal Orders

I. AUTHORITY. To issue stop sale, use, or removal orders as provided in the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), including Section 13(a), whenever there is reason to believe on the basis of inspection or tests that a pesticide or device is in violation of any provision of FIFRA, or that such pesticide or device has been or is intended to be distributed or sold in violation of any such provisions, or when the registration of the pesticide has been cancelled by a final order or has been suspended.

2. TO WHOM DELEGATED. Director, Multimedia Division.

3. LIMITATIONS.

a. Delegatee may exercise the above authority against persons in their region. Delegatee may also exercise the above authority against persons in another region after consulting with that region.

b. Delegatee must obtain the advance concurrence of the Regional Counsel (RC), or designee, on the legal sufficiency of the action before exercising this authority. The RC, or designee, may waive concurrence in writing. By his concurrence on this Delegation the RC designates the RCRA Enforcement Branch Chief, Office of Regional Counsel (ORC Branch Chief), as his designee who may concur or waive concurrence on the legal sufficiency of the action. The Delegatee must consult with the ORC Branch Chief on the legal sufficiency of the action before exercising this authority

4. REDELEGATION AUTHORITY.

a. This authority may be redelegated to the section chief level or equivalent, and no further.

b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

5. ADDITIONAL REFERENCES.

- a. Section 13(a) and 13(b) of FIFRA.
- b. See the Chapter 5 delegations entitled "Civil Judicial Enforcement Actions" and "Emergency TRO's" for seizure authority under Section 13(b).

6. SUPERSESSION. This delegation supersedes the version of R6-5-12 that was enacted on January 20, 2017.